IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE ELEVENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO.2117 OF 2005

Between:

1. Pyla Ramu Naidu, S/o.Chinnodu,
   R/o.Bapadupalem Village, H/o.Bharanikam, Parwada Mandal,
   Visakhapatnam District.
2. Smt. Palli Mutyalamma, W/o.Demudu,
   R/o.Bapadupalem Village, H/o.Bharanikam, Parwada Mandal,
   Visakhapatnam District.

... PETITIONERS

AND

1 The Collector (Revenue) Visakhapatnam District, Visakhapatnam.
2 The Revenue Divisional officer, Visakhapatnam, Visakhapatnam Dist.
3 The Mandal Revenue officer, Paravada Mandal, Paravada, Visakhapatnam District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more in the nature of Mandamus or any other appropriate writ declaring the action of the respondents in not considering the claim of the petitioners for grant of
D-Form patta to the lands to an extent of Ac.3.08 cents situated in Sy.No.207/2 of Bharanikam village, parawada Mandal, Visakhapatnam District and also asking the petitioners to vacate from the lands without following the due process of law is illegal, arbitrary and consequentially to pass appropriate orders as this Hon'ble court may deem fit and proper in the circumstances of this case.

Counsel for the Petitioners: MR.K.ANANDA RAO

Counsel for the Respondents: GP FOR REVENUE

The Court at the stage of admission made the following:

ORDER:

This writ petition is filed aggrieved by the alleged inaction on the part of the respondents in considering the claim of the petitioners for grant of 'D' form patta in respect of the land to an extent of Ac.3.08 cents situated in Sy.No.207/2 of Bharanikam Village, Parawada Mandal, Visakhapatnam District.

The petitioners state that they are landless poor and they have been in occupation of the land in question, which is classified as tank poramboke, from the year 1976. It is also stated that they have raised cashew garden and invested huge amounts for making the land fit for cultivation and that they have been making series of representations to the respondents requesting to grant 'D' form pattas in their favour. It is also stated that in the year 1987 their cases have been recommended by the then Member of the Legislative Assembly of Parawada, for grant of 'D' form pattas. However, the respondents have not considered their request but on the other hand they have been taking steps to evict them high-handedly. Hence, this writ petition.

Heard the learned counsel for the petitioners and the learned Government Pleader for Assignments appearing for the respondents.

The learned Government Pleader, under instructions, states that the land in question is classified as Government tank poramboke and the same has not been assigned to anybody as on today. It is also stated that the petitioners herein are ineligible for assignment and that the land in question cannot be assigned since it is a tank poromboke. However, having regard to the specific plea raised by the petitioners that they have been in continuous possession and enjoyment of the land in question for the past 30 years, without expressing any opinion with regard to either the nature of the land or with regard to the entitlement of the 'D' form patta as claimed by the petitioners, I deem it appropriate to dispose of the Writ Petition with a direction to the respondents to consider the request of the petitioners for assignment of the land in question, and pass appropriate orders in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. Till such time *status quo* obtaining as on today as to the nature and possession of the land in question shall

be maintained. No order as to costs.

_____

G. ROHINI, J

Dated: 11-02-2005

LSK

To

1 The Collector (Revenue) Visakhapatnam District, Visakhapatnam.
2 The Revenue Divisional officer, Visakhapatnam, Visakhapatnam Dist.
3 The Mandal Revenue officer, Paravada Mandal, Paravada, Visakhapatnam District.

4 Two C.Cs. to the Government Pleader for Revenue, High Court Buildings, Hyderabad. (O.U.T.)

5 Two C.D. copies.